

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JOSEPH AMAZIAH TRENTON,

Plaintiff,

v.

No. 1:22-cv-00045-WJ-JHR

EXPERIAN, TRANS UNION, EQUIFAX,  
PLAZA SERVICES, LLC, WEBBANK &  
FINGERHUT, and CREDIT SYSTEMS INC.,

Defendants.

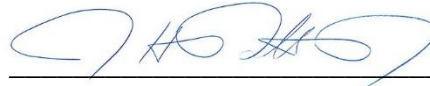
**ORDER STRIKING NOTICE OF JOINDER**

THIS MATTER is before the Court following Defendant Credit Systems Inc.’s filing a “Notice of Joinder in Defendant Webbank’s Motion to Dismiss,” [Doc. 54]. The Court strikes the Notice for violations of Federal Rule of Civil Procedure 12(b).

Credit Systems argues in its Notice that, for the same reasons the Court granted Defendant Webbank & Fingerhut’s Motion to Dismiss, [Doc. 20], Plaintiff Trenton also failed to state claims against Credit Systems upon which relief can be granted. *See* [Doc. 54, pp. 1–2]. Therefore, Credit Systems purports to retroactively join Webbank & Fingerhut’s Motion to Dismiss and asserts that the Court should dismiss Trenton’s claims against it as well. *Id.* at 3.

The Court rejects the Notice. Defenses listed under Rule 12(b), including failure to state a claim, must be asserted in a party’s responsive pleading or by motion. *See* Fed. R. Civ. P. 12(b). Even if arguments already made in another filing reflect the arguments Credit Systems wishes to make, a notice is not the appropriate vehicle for them. Further, Credit Systems cites no authority, and the Court knows of no authority, for the proposition that it can join a motion over a year after the motion was filed and nearly three months after it was resolved. The Notice of Joinder filed by Defendant Credit Systems Inc., [Doc. 54], is thus struck.

**IT IS SO ORDERED.**

A handwritten signature in blue ink, appearing to read "J H Ritter", is positioned above a horizontal line.

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HON. JERRY H. RITTER  
UNITED STATES MAGISTRATE JUDGE